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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 13 to 15, in accordance with the third stage of the programme established by the Economic and Social Council in its resolution 1988 (LX)

Addendum

HUNGARY */

[30 May 1990]

General observations

1. The first report by the Government of the Hungarian People's Republic (Hungary has been a republic since 23 October 1989) on the implementation of articles 13 to 15 of the Covenant was considered in 1982 by the Committee on Economic, Social and Cultural Rights. The Government of the Republic of Hungary is able to report considerable further progress in connection with the facts covered by the first Report, which was generally held to have been positive.

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*/ The initial report submitted by the Government of Hungary concerning rights covered by articles 13 to 15 of the Covenant (E/1982/3/Add.10) was considered by the Sessional Working Group of Governmental Experts at its 1982 session (see E/1982/WG.1/SR.14).

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2. Creating a State with the rule of law in the classical sense of the term, and giving full effect to universal human and civil rights, the National Assembly of Hungary has recently adopted a series of legislative enactments, such as the Act on Freedom of Assembly and Association, the Strike Law, the Referendum Act, and the amendment to the Act on National Defence introducing alternative military service and civil defence. The new Education Act directly affecting articles 13 to 15 of the Covenant entered into force as early as 1985. (A copy of the Education Act of Hungary is available for consultation in the Centre for Human Rights.)

3. The tripartite political negotiations, started in June and concluded in September 1989, to reach a political compromise with the participation of the Hungarian Socialist Workers' Party, the Opposition Round-Table, and the social organizations and movements constituting the third negotiating party, opened a new chapter in the efforts to lay the legal groundwork for a peaceful transition. (The Chairman of the Council of Ministers was invited to submit to Parliament the so-called draft laws with constitutional force which had been framed jointly.)

4. This legislative process occurred at a crucial stage when Parliament was passing such fundamental laws as the Act on Elections, the Act setting up a Constitutional Court and the Act introducing the institution of President of the Republic. A Bill on Freedom of Conscience and Freedom of Religion has been drawn up and an Act on Nationalities, with provisions for the education of the nationalities as contained in the Covenant, is being prepared. Another Bill on the Academy of Sciences is intended to lay down new principles governing the direction of science.

5. The aforementioned legislative activity will culminate in the drafting of a new Constitution to be discussed and adopted by the new Parliament emerging from the elections in 1990. The Ministry of Justice has submitted to the Government a report on regulatory principles and concepts for the structure of the Constitution. (The report on the regulatory conception of the New Hungarian Constitution is available for consultation in the Centre for Human Rights.)

6. At present Hungarian society is also undergoing profound changes of great significance with respect to the International Covenant on Economic, Social and Cultural Rights as a whole. At the same time, it should be pointed out that the present Report leaves no room for a detailed presentation and analysis of the ongoing process.

Article 13, 2 (a)

7. Kindergarten and primary education is free in the Republic of Hungary. By Decree No. 19/1988 (VII.31.) of the Minister of Culture and Education as amended, the supply of textbooks is free of charge for first-grade pupils of primary schools. Pupils of the second to eighth grades in need of material support may receive textbooks at no cost. Secondary education is exempt from admission examinations and school fees when students have their first qualification. Act I of 1985 on Education provides for an entrance examination only in case of secondary studies requiring special abilities

(specialization in arts, music, languages). With this exception, admission is subject to independent decision by schools in the light of primary school records.

8. School attendance is compulsory for children up to 16 years of age. The Act accords to schools a high degree of autonomy in the selection of teaching materials and the utilization of material resources.

Article 13, 2 (c)

9. Higher education is free except in cases specified by Act I of 1985. With a view to ensuring equality of opportunity, the State provides support for disadvantaged and talented students.

10. Despite the worsening economic situation, the Government's programme of action for the development of higher education, adopted in June 1988, devotes special attention to education. It envisages the creation of conditions necessary for the implementation of a short-term programme up to 1990, lays emphasis on speeding up efforts to update educational courses, and makes provision for streamlining the network of higher educational establishments and the system of admission. In his address to the general assembly of Eötvös Lóránd University in Budapest, the Minister of Culture and Education emphasized the key role of intellectuals in building a new type of society.

11. The Department of Culture rejected the earlier proposal that its actions to give universities wider powers and to set the necessary reforms in train should be governed by laws and regulations at a level not higher than an executive decree of the Council of Ministers enforcing the Act on Education. The training of intellectuals and scientific researchers must be ensured by parliamentary guarantees, which also establish separate legislation for higher education. This will extend the reach of higher education, devise a new system of admission and define the content of education in keeping with modern social policy objectives. The new Act will radically change the direction of universities and give them full autonomy in both training and financial management. In return, the Government will rightly expect universities to raise the level of teaching, meeting the standards of professional training in Europe.

12. Under Decree No. 25/1988 (XII.22.) of the Minister of Culture and Education, admission to institutions of higher education continues to be subject to a certificate of final examination at a secondary school (high school or specialized secondary school) and a successful entrance examination in specified subjects. The entrance examination is designed to ensure selection of the most suitable applicants for higher studies by evaluating the applicants' qualities, talents and professional aptitudes. The institutions of higher education are free to determine the nature of examination and must make public the list of applicants, both admitted and refused, with the results of examinations.

Article 13, 2 (e)

13. Act I of 1985 covers two types of fellowship in secondary education:

(a) Fellowships based on outstanding school achievements (granted to about 5 per cent of all students);

(b) Fellowship mandatorily granted [in their subjective right] to students receiving vocational training or training at other special technical schools, the amount to be determined by the students' school achievements and performance in practical work.

14. The Government programme of action provides that the period students attend school mmust be counted towards their periods of service and their social insurance coverage.

15. Under Decree No. 23/1986 (VIII.31.) of the Minister of Culture and Education, the full scale of State support is due to students receiving their first basic training in the day-time courses of secondary schools, while participants in further training courses are entitled only to benefits in kind. The scheme of State support includes:

(a) Fellowships (general, special and People's Republic) based on school achievements;

(b) Social benefits (in kind and financial as well as emergency grants) contingent on the per capita income of families;

(c) Supplementary financial support for the period of professional practice;

(d) Allowances to complement income (under separate provisions of the law).

Table 1. Grants to students following day-time courses in higher educational establishments

	1982	1988
Recipients of fellowships (%)	42.1	47.4
Recipients of regular financial support (%)	59.8	42.7
Accommodation in student hostels (%)	48.6	45.6
Recipients of school meals at reduced prices (%)	68.1	76.1
Beneficiaries of at least one form of regular State support (%)	84.5	87.7
Average amount of fellowship per beneficiary (Ft)	485.0	770.0
as percentage of net monthly income	10.5	11.0
Average amount of regular financial support per beneficiary (Ft)	918.0	963.0
as percentage of net monthly income	19.8	13.7

Table 2. School fees

	1982	1988
Percentage of students paying a school fee	22.1	5.3
Average amount of school fee per term for students paying a school fee (Ft)	423.0	939.0
as percentage of net monthly income	9.2	13.4

Article 13, 3

16. General compulsory school attendance means compulsory enrolment of school-age children by their parents at a school in their place of residence or a school of their choice.

17. As from the 1989/90 school year, religious instruction was placed on new foundations by the Department of Education after agreement with the leaders of the churches in Hungary. As a result of the negotiations, the Ministry of Culture and Education no longer specifies the date of enrolment for religious instruction, enrolment taking place, not at primary and secondary schools as in previous years, but at parishes, presbyteries or vicarages of territorial competence. The list of applicants is forwarded to schools, which provide facilities for religious instruction.

Religious instruction

18. In the 1986/87 school year, primary school pupils enrolled for religious instruction on an optional basis represented 3.5 per cent of all pupils.

19. In the current year (1989) there are in Hungary a total of 11 church or denominational secondary schools, of which eight are run by the Catholic Church, one by the Calvinist Church, one by the Lutheran Church, and one by the Jewish denomination, with a total of about 700 students. (See Table 2).

20. Intensive legislative activity was undertaken in 1989 to restore the original status of the once nationalized church schools and to elaborate rules permitting the foundation of private schools.

21. In 1989, a Decision of the Council of Ministers laid down the principles governing a future act on freedom of conscience and religion, stating that such freedoms were fundamental human rights for all and the free exercise of these rights was guaranteed by the Republic of Hungary. These principles include legal recognition of the right of parents to decide on the ideological and religious education of their children and recognition of the need for legislation to give children receiving primary and secondary education at non-church schools the possibility of non-compulsory religious instruction and to grant the churches the right to teach religion outside the school system.

Table 3. Number of students at theological colleges in the academic year 1988/89

College	Number of students in term I	II	III	IV	V	VI	VII	VIII	Total	Diploma granted in 1986 to
Roman Catholic Central Seminary	6	10	10	9	8	5	–	–	48	6
Academy of Theology	21	16	14	7	12	4	–	–	74	–
Seminary of Eger	20	7	6	6	3	–	–	–	42	3
Seminary of Győr	10	4	1	7	1	–	–	–	23	8
Seminary of Szeged	6	6	3	4	3	–	–	–	22	6
Seminary of Esztergom	13	8	5	5	5	–	–	–	36	5
Greek Catholic Seminary	7	8	10	4	8	–	–	–	37	4
Benedictine Seminary	1	2	3	4	2	4	4	2	22	2
Piarist Seminary	–	1	1	2	2	1	2	3	12	2
Franciscan Seminary	4	2	4	1	5	3	–	–	19	1
Calvinist College of Theology, Budapest	24	16	19	23	18	–	–	–	100	17
Calvinist College of Theology, Debrecen	24	26	18	15	8	–	–	–	91	8
Lutheran College of Theology	21	8	14	8	8	–	–	–	59	9
Priest-Training Institute */	13	–	13	–	–	14 **/	–	–	40	5
Baptist Theological Seminary	3	4	6	5	5	–	–	–	23	4
Rabbinical Training Institute	2	–	1	–	4 ***/	–	–	–	7	–
Total	175	118	128	100	92	31	6	5	655	75

The figures are from church sources.

*/ Only by correspondence during six academic years.

**/ Total for terms V and VI.

***/ Two students are foreign.

22. Furthermore, future legislation would allow the churches to establish and maintain educational institutions in order to ensure a supply of priests and take part in public instruction and education.

23. The certificates issued by educational institutions other than those of the State would be equivalent to those of public schools. The Minister of Culture and Education would exercise professional and legal control over the educational activities of all educational establishments.

24. Act I of 1985 on Education devotes special attention to the situation of nationalities and the use of national languages and states, inter alia, the following: "The language of education at kindergartens and of education and instruction at schools shall be Hungarian as well as any national language spoken in the Republic of Hungary ... Children and pupils or students belonging to nationalities may receive education at kindergartens as well as education and instruction at schools either in their mother tongue or in two languages, their national language and Hungarian ... National languages may be learnt at all levels of school education ...".

25. The Act makes it a duty of the State to create appropriate conditions for achieving these purposes. Education in the mother tongue is ensured at schools where teaching is in the language of a nationality (in all subjects) and at schools teaching the language of a nationality (in humanities). According to available data, this form of education is organized for groups which consist of as few as 4 or 5 nationality pupils.

26. The aforementioned Decision of the Council of Ministers on the principles governing a future act on the freedom of conscience and religious freedom points out, in connection with the declaration of these rights, the need for the right to free exercise of religion for the nationalities living in the country's territory in their mother tongue to be recognized.

Table 4. The education of nationalities

	1982	1988
Number of children taught in a national language, as well as Hungarian		
kindergartens	12 138	13 108
primary schools	40 164	43 501
secondary schools	856	1 114
Percentage of children taught in a national language, as well as Hungarian		
kindergartens	2.60	3.33
primary schools	3.23	3.50
secondary schools	0.39	0.45

Table 5. Education of nationalities by language

	Institutions teaching a national language	Pupils/Students learning a national language	Number of all pupils/students learning				
			German	Romanian	Serbo-Croatian	Slovakian	Slovenian
Kindergartens							
1980	211	11 082	6 336	419	1 702	2 526	99
1985	265	12 920	7 747	491	1 824	2 766	92
1986	273	13 011	7 905	488	1 737	2 801	80
1987	269	13 705	8 581	434	1 822	2 773	95
1989	274	13 823	8 630	465	1 826	2 809	93
Primary schools							
1980	302	35 482	22 109	1 035	4 099	7 893	346
1985	317	44 388	29 913	1 304	4 369	8 474	328
1986	317	44 853	30 635	1 317	4 312	8 279	310
1987	317	44 444	30 761	1 275	4 278	7 827	303
1989	318	44 565	30 910	1 298	4 285	7 764	308
Secondary schools							
1980	7	790	367	132	144	147	-
1985	8	835	468	121	106	140	-
1986	10	1 064	536	118	226	184	-
1987	10	1 060	560	102	234	164	-
1989	10	1 057	552	109	225	171	-

27. Compliance with the provisions of article 13 of the Covenant is conditional, not only on the political will, but also on the availability of financial resources. The national economy of Hungary is in a grave crisis which impedes the development of all sectors, including education and culture. The Government has developed a three-year programme to open its market as part of a longer-term reform and can be regarded as a national strategy. The solution to the crisis lies in opening Hungary to the world economy, building a market, boosting business activity, and privatization. Consistent implementation of this reform is fully in keeping with the provisions of article 2, paragraph 1, in Part II of the Covenant:

> "Each State party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures."

28. The Government accords priority, even in the critical situation now prevailing, to meeting the present outstanding problems of education and culture. The statement made by the Minister of Culture and Education on the occasion of the opening ceremony of the school year, outlining the new programme of his department, was motivated by this position. The main thrust of that programme is a revision and remodelling of the entire system of education and the need for culture to be given priority, materially as well as morally, in the new political thinking is also recognized. The efforts to raise the number of prospective language teachers by two and a half times at universities and six times at colleges, to employ foreign-speaking language teachers, and to bring the Hungarian school system and diplomas into line with European requirements form part of Hungary's endeavour to re-integrate into Europe.

29. During the past 40 years the school has been seen primarily as an instrument of re-educating society ideologically and politically and of moulding a uniform political thinking. By contrast, under the new concept, "The school is an institution not called upon to translate into practice the ideological objectives of party politics, it is neither simply the object of pedagogic experiments nor a complex of courses geared to disseminating knowledge for children. The school is an education-instructional and number one cultural institution of the local society - a local community or a settlement, and is destined to act as a lever of democratism and openness in the local society."

30. It is indispensable to provide facilities, to improve the equipment of schools and to give support, as a priority, to the development of student sports, the enrichment of school libraries, and the organization of a computer park, collections and laboratories, and audio-visual language laboratories. Investment in education is not an extravagance in crisis-stricken Hungary, but the most important tool for recovering from the crisis.

31. The Ministry of Culture and Education has worked out a three-year plan to eliminate the lag of 70 to 100 per cent in teachers' salaries behind those of intellectuals in general. With the proposal of the Council of Ministers, teachers will receive a pay increase of 60 per cent with effect from 1 January 1990.

32. Another highly important strand of educational development policy is represented by the role of churches. The Government sees in churches a complex of institutions sustaining communities, which centuries ago were the first to teach our peoples to read and write and to provide a framework for training intellectuals working in the community. There is a continuing need for institutions which serve the community to preserve their traditions and to continue their work. The church is among those which have proved of standing value to society.

33. Hungarian church policy can only be based on giving up the function of control over all churches and providing rightful support for the church as an institution destined to meet the social, cultural and spiritual needs of individuals.

Article 15, 1 (a)

34. The Government of the Republic of Hungary is in a position to report marked progress in comparison with its first report, considered in 1982.

35. A declaration of the freedom of association as a fundamental freedom is indispensable for the implementation of the right to take part in cultural life. This freedom is not "conceded" by the State, but pertains to everyone by virtue of the people's sovereignty.

36. In accordance with the International Covenant on Civil and Political Rights, Act II of 1989 on Association states: "The freedom of association is a fundamental freedom recognized for all by the Hungarian People's Republic, which guarantees its unimpeded exercise. The freedom of association implies the right of everyone to establish, with others, organizations or communities, or to take part in their activities."

37. Legal supervision over such associations is exercised by independent courts. The Act has abolished the previous legislation which vested control in organs of State administration.

Article 15, 1 (b) and (c)

38. The freedom of scientific and artistic creative activity is guaranteed by the Constitution of the Republic of Hungary.

39. The Copyright Act protects literary, scientific and artistic works and guarantees State support for institutions concerned with encouraging creative activity and promoting authors' works in society.

40. Technical advances have led to new productions and applications, which have been brought under the law as well. The amendements to the Decree enforcing the Copyright Act */ have regulated the copyright on home taping, simultaneous "cable relaying" of radio broadcasts and television programmes,

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*/ The Decrees of the Minister for Culture (N15, of 20 November 1982; N15, of 12 July 1983; and N18, of 24 August 1988) are available for consultation in the Centre for Human Rights.

and computer programmes. (See Part III listing the relevant laws and regulations, which have already been published in Copyright, the official review of the World Intellectual Property Organization).

41. The collective exercise of rights (primarily in respect to public performance of musical works and uses on cable television) is governed by provisions of the law concerning broadcasts and the enforcement of royalty claims by the Hungarian Bureau for Copyright Protection.

Article 15, 2

42. The right to education and culture is covered by the Constitution of the Republic of Hungary in two aspects. Accordingly, "the Republic of Hungary organizes and supports scientific activity promoting social development, assists the arts at the service of progress, and ensures constant increases in the qualification and education of citizens"; it also recognizes the right of citizens to education and culture. The growth of State support is not noticeable because of inflation. The real value of support has even shown a decline, while the constant increase in the cost of living has tended to reduce demand for cultural products.

43. The Government is firmly resolved to shift support from cultural enterprises to particular works. Social control over the allocation of subsidies is to be introduced soon. A notable result is manifest in book publishing. The annual number of works published exceeds 10,000. The appearance of private publishers can rightly be expected to revitalize the cultural sphere.

44. Similarly change is taking place in State support for scientific research. The introduction of a system of competition can be expected to make for a better concentration of resources available for research and to allow faster completion of projects, as well as practical applications of results.

Article 15, 3

45. The Hungarian Academy of Sciences plays a determining role in the conceptual guidance of scientific research. Its central place and functions are laid down in legislation: "The Academy ensures the creative cultivation of science through the activity of its members and research in its institutes, conceptual and methodological guidance of science, development of links between science and practice, guarantees for the freedom of scientific research, and promotion of democratism in the scientific community ...".

46. The freedom of the press is an important means of and guarantee for the implementation of the "indispensable" freedom as stated in the Covenant. Act II of 1986 on the Press provides: "... everyone shall have the right to disseminate his views and creations through the press, provided they do not prejudice the constitutional order of the Hungarian People's Republic".

47. The freedom of the press was considerably enlarged by Decree No. 58/1989 (VI.15.) of the Council of Ministers, which abolished compulsory application for administrative permits for the foundation of important publications (domestic periodicals and public distribution of foreign papers in the country) and films. In the case of newspapers, the Decree requires nothing but notification, and even this requirement is being waived in respect of books.

48. However, this legislative activity has produced but partial results. The press law itself, intended as it was to devise guarantees for the freedom of the press and freedom of opinion as fundamental human rights, failed to fulfil its function. Its provisions regulate the status of the press and journalists in the first place, it not being their concern to recognize the freedom of opinion for all. Therefore the Government deems it necessary to have new legislation enacted on the freedom of opinion and the press. It appears justified to formulate the following basic principles of that legislation:

(a) Everyone shall have the right to express and disseminate his ideas through the press;

(b) The press shall have the function to promote public exchange of views and public discussion and thereby to convey interests and to provide authentic and accurate information;

(c) Censorship, both preliminary and subsequent, shall be prohibited in the Hungarian mass communication media.

Article 15, 4

49. The Republic of Hungary recognizes and encourages, in every possible way, the promotion and development of international relations. To this end, Hungary has become a party to:

(a) The Union Convention for the Protection of Industrial Property, Stockholm text (14 July 1967);

(b) The International Patent Co-operation Union Convention as revised;

(c) The Budapest Union Convention, as revised, for the International Recognition of the Deposit of Micro-Organisms for the Purposes of Patent Procedure;

(d) The Lisbon Agreement, as revised, for the Protection and International Recognition of Marks of Origin;

50. The bilateral agreements concluded by Hungary include those with

(a) Austria (1982) on the recognition of the equivalence of certificates of final examination for the purposes of admission to universities;

(b) Austria (1983) on the equivalence of university studies and degrees;

(c) Czechoslovakia (1986) on cultural and scientific co-operation;

(d) Yugoslavia (1986) on scientific, educational and cultural co-operation;

(e) Syria (1986) on the mutual recognition of school certificates, university diplomas and scientific degrees.

(f) The Republic of Korea (1989) on cultural co-operation.

51. Also, Hungary has acceded to the Convention for the Conservation of the Cultural and Natural Heritage of the World, adopted at the General Conference of UNESCO in Paris on 16 November 1972.

52. Hungary has signed agreements, still in force, with a total of 60 countries on cultural, educational and scientific co-operation. Under them, in 1988, there studied abroad 7,771 teachers, researchers and students and Hungary was visited by 6,667 foreign specialists.

53. As regards other international aspects of Hungarian culture and science, the following can be noted:

(a) In 1986, more than 150 films were shown abroad, while 40 countries showed 280 films in Hungary, with about 10 countries holding national film weeks annually. In addition, Hungarian films are presented at every significant festival;

(b) The Hungarian State supports the publication abroad of Hungarian literary works and the diffusion in Hungary of such works from other nations;

(c) In 1988, 8,621 works in about 113.5 million copies were published in Hungary, 20 per cent of those works were translations;

(d) There are 10 foreign cultural institutes operating in Hungary, and the country maintains 11 cultural institutes abroad (an additional three institutes are being established);

(e) Hungarian educational, cultural and scientific institutes (research workers) are members of 131 educational and 137 artistic and cultural non-governmental organizations. In 1989, 223 international events of this nature were organized in Hungary.

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Major legislation on education and culture

(a) Act I of 1985 on Education;

(b) Act II of 1986 on the Press;

(c) Act II of 1989 on Association.

Decrees and decisions of the Council of Ministers

(a) Decision of June 1988 on the Programme of Action for the Development of Higher Education;

(b) Decree No. 58/1989 (VI.15.) amending the Decree on the Enforcement of the Act on the Press.

Decrees of the Minister of Culture and Education

(a) Decree No. 6/1986 (VI.26.) on Compulsory Schooling;

(b) Decree No. 23/1986 (VIII.31.) on State Support for Students in the Day-Time Courses of Higher Educational Establishments;

(c) Decree No. 19/1988 (VII.31.), as amended, on the Supply of Textbooks for Primary School Pupils;

(d) Decree No. 25/1988 (XII.22.) on Admission to Institutions of Higher Education.